

Draft By-Laws and Operational Procedures/Practices for the FPKIPA

1. *Quorum*: A quorum of the FPKIPA will exist when more than 50% of the voting members are present, either in person at a common meeting location, or remotely through video or telephone conferencing, or a combination thereof. Where participation is done through remote means, the Chair shall confirm the identity of the voting member through whatever mechanism he or she deems appropriate.

2. *Requesting a Vote of the Voting Members*: Matters requiring a vote by the voting members of the FPKIPA may arise owing to applications for interoperability with the Federal Bridge Certification Authority (FBCA), or as a result of a voting member of the FPKIPA proposing an action or making a motion upon which that voting member desires a vote. In the latter instance, the voting member proposing the action or making the motion has the obligation to present to each of the voting members his or her proposed action or motion.

3. *Discussion prior to Voting by the Voting Members*: When a voting member has proposed an action or made a motion requiring a vote, the Chair will ensure that there is sufficient opportunity for discussion and debate among the voting members prior to the vote being taken. As part of the discussion process, a voting member may seek advice or counsel from any source, and may present to other voting members whatever information he or she feels is relevant.

4. *Taking a Vote by the Voting Members*: The Chair will decide when a vote is to be taken, taking into consideration the need for sufficient discussion and debate, as well as the need for the FPKIPA to move ahead on matters before it. When a vote is called, the process to be followed is:

a. All voting members present (either at the meeting or through remote means) will be polled in whatever order the Chair deems appropriate, and requested to cast a vote. Each voting member will either vote Yes, No, or abstain in the event that recusal from the matter being voted upon is necessary owing to a conflict of interest.

b. If a voting member is not present but has provided a proxy to another voting member or to the Chair, the proxy shall be cast as requested by the voting member. If a voting member is not present and has not provided a proxy, the Chair shall be deemed to have the voting member's proxy and shall vote that proxy as he or she deems fit.

c. The Chair shall total the votes, determine whether the matter passes based upon the requirements for passage (e.g., at least 75% supermajority vote of all voting members required for acceptance of an application for interoperability), and announce the results.

d. The Secretary of the FPKIPA shall ensure that the results of the vote are provided to all of the voting and observer members as soon as possible after the meeting

has concluded. Further, the results of the vote, and the matter upon which the vote was taken, shall be included in the minutes of the meeting.

5. *Voting by Observer Members:* As set forth in the FPKIPA charter, some decisions allow observer members an opportunity to vote (e.g., setting the date and time of meetings). Where this is the case, the process for voting shall be the same as set forth in paragraph 4 above except that observer members shall be permitted to cast one vote each.

6. *Minutes of Meetings:* Minutes shall be taken for all meetings at which there is a quorum. The minutes shall not be deemed final until a majority of the voting members present (in person or remotely) for that meeting vote affirmatively.

7. *Standing Committees:* The FPKIPA shall have the following standing committees. In each case, members may include Federal agency employees who volunteer for the position, or government contractor employees. Members will be chosen based on majority vote of the FPKIPA:

a. Interoperability Committee, which will focus on providing technical and programmatic evaluations of any applications for interoperability with the FBCA.

b. Outreach Committee, which will focus on assisting agencies or other parties decide whether to interoperate with the FBCA, and if so, how such interoperation may be best effected.

c. Auditing Committee, which will focus on ensuring that the FBCA Operational Authority is complying with the requirements of the FBCA Certificate Policy and Certification Practice Statement.

8. *Processing applications for interoperation with the FBCA:* Federal agencies, contractors, or other parties may apply for interoperation with the FBCA at any time. Any such applications will employ an application form approved by the FPKIPA. The procedure for consideration of such an application follows:

a. Upon receipt of an application form, the FPKIPA shall determine whether the application is perfected or whether additional information is required before the application will be considered. The determination as to whether the application is perfected will be made upon majority vote of the voting members.

b. If the application is not considered to be perfected, the applicant will be advised and asked to provide whatever additional information the FPKIPA desires. What additional information is required will be determined by majority vote of the voting members.

c. If the application is considered to be perfected, it will be logged by the Secretary, the applicant will be apprised, and the process of evaluation will be triggered. The evaluation process shall include the following steps:

(1) The application will be provided to whatever organizations the FPKIPA (by majority vote of the voting members) desires, for the purpose of obtaining their views on the matter. Such organizations may include but are not limited to the Federal PKI Steering Committee and its subordinate working groups.

(2) The application will be reviewed and evaluated by the FBCA Interoperability Committee, and a recommendation made by that group to the FPKIPA indicating whether the application should be: (a) accepted as made; (b) accepted with modifications; or (c) rejected for specified reasons. Depending upon workload and the nature of the application, the FBCA Interoperability Committee should attempt to process an application within 30 days of receipt.

(3) The FPKIPA will act upon the FBCA Interoperability Committee recommendation within 30 days of receipt if practical. Such action may include, by majority vote of the voting members, a determination that the application or the recommendation requires further review or evaluation by the FBCA Interoperability Committee or some other organization. Approval of a recommendation to accept the application as made, accept it with modifications, or reject it, shall require at least a 75% supermajority vote of all of the FPKIPA voting members (excluding the party making the application if it is already a voting member). If such a supermajority cannot be achieved, the matter will be held in abeyance until a new vote is requested by a voting member, whereupon the new vote will be taken and if a supermajority is still not present, the matter will once again be held in abeyance until further votes are called.

(4) If an application is accepted as made, or accepted with modifications that are acceptable to the applicant, the FPKIPA shall then enter into a Memorandum of Agreement (MOA) with the applicant setting forth respective responsibilities which includes conformance to the representations made in the application. A model MOA shall be developed for this purpose by the FPKIPA, but may be adjusted to fit the specific situation. Once the MOA has been negotiated to the satisfaction of the applicant and the FPKIPA, the FPKIPA shall review the MOA and approve it by at least a 75% supermajority vote of all of the FPKIPA voting members (excluding the party making the application if it is already a voting member). If approved, the Chair of the FPKIPA shall sign the MOA. If not approved, the applicant shall be advised of the reasons for non-approval and shall be given an opportunity to adjust the MOA so as to make it acceptable.

(5) Once an MOA has gone into effect, the Chair of the FPKIPA shall advise (in writing) the FBCA Operational Authority Administrator to issue a certificate from the pre-determined node of the FBCA to the applicant's Principal CA, populating the policy mapping, name constraints, and other extension fields as set forth in the MOA. Upon receipt of this direction, the FBCA Operational Authority Administration shall issue the certificate and post it in the FBCA directory. Concurrent with these actions, and as set forth in the MOA, the applicant's Principal CA shall also issue a certificate to the

FBCA, and make a copy of that certificate available to the FBCA Operational Authority for posting in the FBCA directory.

9. *Determining whether to revoke a certificate issued by the FBCA:* The FPKIPA will revoke a certificate issued by the FBCA to any entity Principal CA upon: (a) authenticated request by an authorized official that entity (as set forth in the MOA between that entity and the FPKIPA); (b) evidence that the entity is in material non-conformance with the MOA between it and the FPKIPA, and is unable or unwilling to correct the non-conformance in a timely fashion; or (c) determining that the entity is behaving in a fashion which places other parties interoperating with the FBCA at an unacceptable risk, absent an existing material nonconformity with the MOA.

(a) Under circumstance 9(a), revocation of the FBCA certificate shall be done automatically by the FBCA Operational Authority without the need for FPKIPA action.

(b) Under circumstance 9(b), where the FPKIPA is made aware of a material non-conformance either by the party itself or through other means, the FPKIPA shall immediately apprise all voting members of the problem, and shall take a vote as soon as possible regarding what remedies, if any, should be imposed. Action shall be taken based on a majority vote of all of the voting members (excluding the party experiencing the problem if it is already a voting member). The remedies to be considered shall include revocation of the certificate issued by the FBCA to the party, or a request that the party explain the nature of the problem and what will be done to correct it within a specific period of time (after which revocation would be effected if the information provided is insufficient to allay concerns).

(c) Under circumstance 9(c), where the FPKIPA is concerned that the behavior of a party is giving rise to unacceptable risk but there is no clear material nonconformity with the MOA, the FPKIPA shall immediately apprise all voting members of its concerns, and shall take a vote as soon as possible regarding what remedies, if any, should be imposed. Action shall be taken based on a 75% supermajority vote of all of the voting members (excluding the party exhibiting the behavior if it is already a voting member). The remedies to be considered shall include revocation of the certificate issued by the FBCA to the party, or a request that the party explain the nature of its behavior and why the behavior does not give rise to unacceptable risk and is in conformance with the provisions of the MOA between it and the FPKIPA.

(d) In any case where an FBCA certificate is revoked as set forth in (a), (b) or (c) above, the affected party may reapply for interoperability with the FBCA either using the process set forth in paragraph 8 above, or may advise the FPKIPA of the nature of the problem it experienced requiring it to request revocation, what has been done to correct the problem, why restoring interoperability is now acceptable, and whether any adjustments to the MOA are necessary to guard against recurrence. The FPKIPA shall act upon such a request and authorize issuance of a new FBCA certificate upon at least 75% supermajority vote of all of the voting members (excluding the party making the request if it is already a voting member). If changes to the MOA are warranted, the

FPKIPA shall consider those concurrent with the request to issue a new FBCA certificate, and may require the party to accept the changes as a condition of getting a new FBCA certificate.

10. *Conflicts of Interest:* Whenever a conflict of interest arises, namely, any individual associated with the activities of the FPKIPA is participating in a task assigned or requested by the FPKIPA and which may result in personal or financial advantage to that individual or to his or her organization, that individual shall recuse himself or herself from the task and shall so notify the FPKIPA.